

**State of Michigan
Department of Environmental Quality
Water Resources Division**

PUBLIC NOTICE

**PROPOSED MINOR PROJECT CATEGORIES FOR
ACTIVITIES IN WETLANDS, INLAND LAKES, STREAMS,
AND THE GREAT LAKES**

December 30, 2013

Pursuant to Part 301, Inland Lakes and Streams, Part 303, Wetlands Protection, and Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, the Department of Environmental Quality's Water Resources Division is proposing additions and changes to the existing Minor Project (MP) categories. These categories are for activities that are similar in nature, will cause only minimal adverse effects on the environment when performed separately, and will have only minimal cumulative adverse effects on the environment. The intent of these categories is to allow better coordination between applicable statutes and to provide clarity on the requirements that must be met for each category. Permit applications made for these types of activities may be processed in an accelerated manner without the issuance of an individual public notice or public hearing. MP categories are issued for up to a five-year period. The purpose of this public notice is to provide an opportunity for public review and comment to proposed additions and changes to the existing MP categories only. The proposed MP categories can be found at www.michigan.gov/wetlands.

Written comments on the new Proposed MP Categories should be sent to:

Amy Berry
Department of Environmental Quality
Water Resources Division
P.O. Box 30458
Lansing, MI 48909-7958
berry2@michigan.gov

All comments must be received by Wednesday, February 12, 2014.

This notice will be reviewed by federal agencies in accordance with an agreement with the United States Environmental Protection Agency, under provisions of Section 404 of the Federal Clean Water Act Amendments of 1977.



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

MINOR PROJECT CATEGORIES IN THE STATE OF MICHIGAN

[December 30, 2013, DRAFT](#)

Established Under Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; and Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (NREPA)

BACKGROUND INFORMATION

PURPOSE

Part 301, Part 303, and Part 325 of the NREPA authorize the Department of Environmental Quality (DEQ), Water Resources Division (WRD), to define types of regulated activities that would be expected to have only minor impacts and that can, therefore, be reviewed through an expedited permit application process. This document defines those activities that the WRD has determined are Minor Project (MP) categories and also defines the legal authority and limitations for their use. These categories do not alter or replace current exemptions, but provide a mechanism for expedited processing of certain activities that are not exempt.

The purpose of the MP categories is to allow the WRD to evaluate applications for many minor activities without the delay of public noticing specific projects. The objective of the MP categories is to reduce the time and cost of the permit process for applicants proposing minor activities and to reduce the costs of administering the program while protecting aquatic resources.

Please note that the MP categories do not define projects that will be issued, but only those that may be considered for accelerated processing. Applications under an MP category may be issued, modified, or denied. Permits will be issued under an MP category only if it is determined that the proposed activity is in accordance with the criteria and requirements of the NREPA.

MINOR PROJECT PROCEDURES

A person seeking a permit under an MP category must submit a permit application on a form supplied by the WRD at www.michigan.gov/jointpermit. A preliminary determination of whether an application may be processed under an MP category is made by WRD staff when the application is received. Applications processed under MP procedures are typically reviewed without issuance of a public notice. However, before approving a specific project to proceed under an MP category, the WRD may provide public notice. A site inspection may also be conducted. The DEQ will provide written authorization for an approved project, or will otherwise notify the applicant in writing of the decision on the application.

If at any time in the review process, it is determined that an activity in a proposed project, although within an MP category, is likely to cause more than minimal adverse effects on the environment or aquatic resources, including high-value aquatic habitats, the WRD may require the application be processed as an individual permit application. The processing as an individual permit application may require the applicant to provide additional information and an additional application fee.

REGULATORY AUTHORITY

Part 301 (Section 30105), Part 303 (Section 30312), and Part 325 (Section 32512a) provide that the WRD, after notice and opportunity for a public hearing, may establish MP categories of activities and projects that are similar in nature, have minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment. An MP category cannot be valid for more than 5 years.

GENERAL CRITERIA FOR REVIEW

Part 301, Part 303, and Part 325 specify the criteria that must be met before a permit may be issued. These general criteria, as well as the specific criteria detailed later in the MP categories, must be met before the WRD can issue a permit under an MP category. Adverse impacts must be avoided and minimized to the greatest extent possible, and mitigation may be required.

EXCLUSIONS

The types of activities described in this document can typically be processed under MP procedures. However, some activities will not qualify for this type of processing even if the listed criteria are met. Applications will not qualify for consideration under these categories if:

- A) It is determined that the proposed project would constitute a "major discharge of dredged or fill materials" or meets other criteria subject to federal review as defined in the Memorandum of Agreement between the DEQ and the United States Environmental Protection Agency (USEPA).
- B) The activity is associated with sensitive natural resources including:
 - 1. A federally designated wild and scenic river.
 - 2. A state or federally designated wilderness or environmental area.
 - 3. A federally designated marine sanctuary.
 - 4. A state or federally listed or proposed threatened or endangered species (unless alternative procedures developed by the WRD are followed to coordinate with federal agencies, or the landowner has obtained a letter of no impact from the Department of Natural Resources [DNR]).
 - 5. An identified historic or archeological area.
 - 6. An identified recharge area for drinking water aquifers.
 - 7. An identified rare or unique ecological type.
- C) Sediment testing is required per DEQ procedures and testing results have not been provided by the applicant; OR Sediment testing results per DEQ procedures show that the material contains hazardous substances in excess of inert standards under Part 115, Solid Waste Management, of the NREPA.
- D) The WRD determines that a specific activity that would generally qualify under an MP category would, due to the proximity of other projects and the characteristics of the aquatic resources, cause more than minimal adverse environmental impacts;
- E) The project also requires a permit under Part 301; Part 303; Part 315, Dam Safety; or Part 325 of the NREPA but does not meet one of the General Permit (GP) or minor project (MP) categories under those parts.
- F) The project also requires a permit under Part 323, Shorelands Protection and Management; or Part 353, Sand Dunes Protection and Management, of the NREPA.

NEED FOR OTHER PERMITS

A permit under an MP category does not remove the need for other applicable local, state, or federal permits.

EXPIRATION DATE

These MP categories modify and replace all existing MP categories under Part 301, Part 303, and Part 325 and shall expire on August 11, 2016, unless revoked or modified before that date.

Issued by: _____

William Creal, Chief
Water Resources Division
Department of Environmental Quality

Date: _____

INDEX OF MINOR PROJECT CATEGORIES

WILL BE UPDATED WITH NEW PAGE NUMBERS.

MINOR PROJECT CATEGORIES

The following activities are incorporated into this list of MP categories. The proposed activity must meet the specific criteria of a category in addition to the General Criteria, Exclusions, and General Conditions. Each category lists the statute(s) to which it applies.

1. Bioengineering Practices for Stabilization of Inland Lake Shorelines

NO CHANGES PROPOSED.

2. Bioengineering Practices for Streams

NO CHANGES PROPOSED.

3. Boat Hoist

NO CHANGES PROPOSED.

4. Boat Ramp

NO CHANGES PROPOSED.

5. Cleanup of Hazardous and Toxic Waste

NO CHANGES PROPOSED.

6. Completed Enforcement Actions

NO CHANGES PROPOSED.

7. Cranberry Production - Expansion of Existing Operations

NO CHANGES PROPOSED.

8. Culverts - Large

NO CHANGES PROPOSED.

9. Culverts - Wetland Equalizer

NO CHANGES PROPOSED.

10. Dock

NO CHANGES PROPOSED.

11. Drawdown

NO CHANGES PROPOSED.

12. Dredging on Inland Lakes and Streams - New

NO CHANGES PROPOSED.

13. Driveway

NO CHANGES PROPOSED.

14. Fences

NO CHANGES PROPOSED.

15. Fills Associated with Residential Developments

NO CHANGES PROPOSED.

16. Fills for Swim Areas

NO CHANGES PROPOSED.

17. Fills - Minor

NO CHANGES PROPOSED.

18. Fish and Wildlife Habitat Structures

NO CHANGES PROPOSED.

19. Livestock Crossings

NO CHANGES PROPOSED.

20. Maintenance of Drains

NO CHANGES PROPOSED.

21. Maintenance Dredging on Inland Lakes and Streams

NO CHANGES PROPOSED.

22. Maintenance Dredging on the Great Lakes and Section 10 Waters

NO CHANGES PROPOSED.

23. Maintenance and Repair of Serviceable Structures

NO CHANGES PROPOSED.

24. Mooring Buoy

NO CHANGES PROPOSED.

25. Oil Spill Cleanup

NO CHANGES PROPOSED.

26. Oil, Gas, and Mineral Well Access Roads

NO CHANGES PROPOSED.

27. Outfall Structures and Associated Intake Structures

NO CHANGES PROPOSED.

28. Pads for Farm Buildings [and Farm Structures](#)

Category applies to: ☐ Part 301, Inland Lakes and Streams
☒ Part 303, Wetlands Protection
☐ Part 325, Great Lakes Submerged Lands

Construction of building pads for farm buildings and farm structures impacting a maximum of 0.50 acre of wetland ~~within areas that have been in existing, ongoing agricultural production since at least 1980.~~

This category is only available for impacts greater than 0.1 acre if the use of approved wetland mitigation banking credits is proposed by the applicant and it successfully replaces lost functions and values taking into account features such as watershed location, wetland type, habitat diversity, and future land use. Purchase of the approved mitigation banking credits will be required prior to issuance of the permit. This category cannot be used in service areas where approved mitigation banking credits are not available.

29. Pond: Inland Lakes and Streams

NO CHANGES PROPOSED.

30. Pond: Wetlands

NO CHANGES PROPOSED.

31. Public Transportation Projects

NO CHANGES PROPOSED.

32. Removal of Structures

NO CHANGES PROPOSED.

33. Replacement of Existing Seawalls

NO CHANGES PROPOSED.

34. Reshaping Existing Drainage Ditches

NO CHANGES PROPOSED.

35. Residential Construction for Properties Owned Prior to 1980

NO CHANGES PROPOSED.

36. Reversion of Temporary Wetland Enhancement, Restoration, and Establishment

NO CHANGES PROPOSED.

37. Riprap Shoreline Protection

NO CHANGES PROPOSED.

38. Septic System Replacement

NO CHANGES PROPOSED.

39. Small Dam Removal

NO CHANGES PROPOSED.

40. Spring Piles and Piling Clusters

NO CHANGES PROPOSED.

41. Storm Water Management Facilities: Inland Lakes and Streams

NO CHANGES PROPOSED.

42. Storm Water Outfall Structures

NO CHANGES PROPOSED.

43. Temporary Construction, Access, and Dewatering

NO CHANGES PROPOSED.

44. Temporary Recreational Structures

NO CHANGES PROPOSED.

45. Utility Line Activities

NO CHANGES PROPOSED.

46. Wetland Habitat Restoration and Enhancement

NO CHANGES PROPOSED.

47. Diver-Assisted Hand Removal of Invasive Species

NO CHANGES PROPOSED.

48. Boat Wells

NO CHANGES PROPOSED.

49. Docks on Public Land

NO CHANGES PROPOSED.

50. Maintenance Dredging in USACE Navigation Channels

NO CHANGES PROPOSED.

51. Dredging on the Great Lakes and Section 10 Waters - New

NO CHANGES PROPOSED.

GENERAL CONDITIONS

NO CHANGES PROPOSED.

AUTHORIZATION CONDITIONS

NO CHANGES PROPOSED.